

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1, 2, 5-19, 21, 22, 25-39, and 42 are currently pending in this application. Claims 20, 40, and 41 are canceled without prejudice. Claims 1, 2, 5, 8, 11, 15-17, 21, 22, 25, 28, 31, 34-37, 39, and 42 are amended.

Claim Rejections - 35 USC § 103

Claims 1, 2, 5-22, and 25-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,977,912 to Porter et al. (hereinafter Porter) in view of US 6,370,369 to Kraiem et al. (hereafter Kraiem). The Examiner, however, presents no arguments in support of rejection of claims 15-17 and 35-37 based on these two references alone. Response to this rejection, therefore, will be limited to claims 1, 2, 5-14, 18-22, 25-34, and 38-42.

The Applicants respectfully submit that amended claim 1 is patentable over the cited references for the following reasons. Claim 1 recites the following feature which is not contained in Porter:

calculating a metric of a modulated signal indicative of motion of at least one station in the link or motion of objects in the signaling path as a function of a change in at least one modulation attribute of the modulated signal

transmitted across the wireless link, the modulation attribute being at least one of amplitude, frequency, or phase;

(Emphasis added).

Porter does not teach or suggest the use of amplitude, frequency, or phase as a modulation attribute. The examiner cites col. 8, lines 30-60 as disclosing these attributes. The Applicants respectfully disagree. Col. 8 lines 30-60 teaches, instead, Received Signal Strength (RSSI), Signal to Noise Ratio, and "unrecoverable channel distortion", all of which are distinct from amplitude, frequency, and phase. Furthermore, by teaching the use of Signal to Noise Ratio, Porter's teachings are contrary to the Applicants' specification. See specification, p. 7, lines 7-13.

Kraiem does not remedy this deficiency. The invention of Kraiem is related to reducing the time needed to determine an antenna pair having a best signal quality, and does not disclose the above quoted element of Claim 1. Claim 1 is therefore patentable over the combination of Porter and Kraiem.

Amended claims 21 and 42 each recite a corresponding similar feature to the above quoted feature of claim 1. The Applicants therefore submit that claims 21 and 42 are patentable over the combination of Porter and Kraiem for reasons similar to the above for claim 1.

Claims 2, and 5-14, 18, and 19 are dependent upon claim 1. Claims 22 and 25-39 are dependent on claim 21. The Applicants therefore respectfully submit that

claims 2, 5-19, 22, and 25-39 are allowable over the cited references of record for the same reasons provided above.

In addition the Applicants also submit the following arguments concerning specific claims. Regarding claims 5-7 and 25-27, the Examiner cites column 9, lines 13-27 of Porter, equating "gain" with "automatic gain control" (AGC). This is not valid, since the cited lines of Porter make no mention of AGC. Regarding claims 8-13 and 28-33 the Examiner cites column 8, lines 30-60 of Porter. This is not valid, since the cited lines of Porter are silent as to phase. Regarding claims 14 and 34 the Examiner cites column 8, lines 21-24 of Porter. This is not valid, since these lines are silent as to a threshold.

In view of the cancellation of claims 20, 40 and 41, rejection of these claims is now moot.

Based on the arguments presented above, withdrawal of the rejection of claims 1, 2, 5-14, 18-22, 25-34, and 38-42 under 35 U.S.C. §103(a) is respectfully requested.

Claims 15-17 and 35-37 stand rejected under USC §103(a) as being unpatentable in view of Porter in view of Kraiem and further in view of U.S. Patent No. 5,940,454 to McNicol et al. (hereafter McNicol). Applicants respectfully submit that Claims 15-17 and 35-37 are patentable over the cited references for the following reasons. Claims 15-17 are dependant from Claim 1. Claims 35-37 are

dependant from Claim 21. As argued above, Claims 1 and 21 both recite features not contained in Porter, and Kraiem does not remedy these deficiencies. McNicol does not remedy these deficiencies either. The invention of McNicol is concerned only with fixed subscriber units. (see for example, McNicol column 6 lines 3-8). McNicol does not contain the quoted elements of Claim 1 and the similar elements of Claim 21. Therefore, the combination of Porter, Kraiem and McNicol does not teach all of the features of Claims 15-17 and 35-37. These claims are therefore patentable over the cited references.

Based on the arguments presented above withdrawal of the rejection of Claims 15-17 and 35-37 under 35 USC §103(a) is respectfully requested.

Conclusion

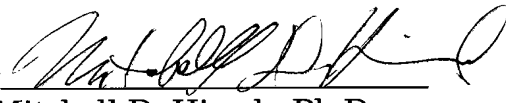
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure